

foundation firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand or other hard substance, such as the nature of the ground, along which the road may pass, will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line, and the said president and managers shall erect permanent bridges, with sufficient stone abutments and piers, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Time of
commencing,
finishing, &c.

SECTION 6. If the said company shall not proceed to carry on the said work within two years after passing this act, or shall not within five years thereafter complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted shall revert to the commonwealth.

Powers.

SECTION 7. The said company shall generally have and possess like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president and managers and company of the "Washington and Williamsport Turnpike Road Company," by an act of Assembly, passed the eighteenth day of March, Anno Domini, one thousand eight hundred and sixteen, and which are not hereby supplied and granted in the previous sections of this act.

WM. PATTERSON

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO: WOLF.

No. 163.

AN ACT

Authorizing the Governor to incorporate a Company to build a Toll Bridge over the river Schuylkill at or near to John Althouse's, in Maidenecreek township, Berks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Althouse, Adam Reber, Benjamin Parvin, Ja-*

cob S. Ebling, John Ginger of Maidencreek township, Abraham Commiss^{rs} Reeser, Jacob Orange, Jacob Kaufman and John Potteiger of appointed. Bern township, all of Berks county, be, and the same are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first Monday of August next procure a book or books and enter therein as follows: "We whose names are hereunto subscribed do promise to pay unto the president, managers and company authorized to erect a bridge over the river Schuylkill, near to John Althouse's, for the use of the said company, the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times and places, as shall be determined by the president and managers, in pursuance of an act of the General assembly of this Commonwealth, entitled 'an act, authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill, &c.,' witness our hands this day of

Form of subscription.

one thousand eight hundred and thirty-

and shall thereupon give notice in two newspapers printed in the said county for one calendar month at least of the times and places when and where such book or books shall be opened to receive subscriptions for the stock of the said company at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours, in every day, for three juridical days if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name or in the name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares in the said stock, until one hundred and twenty shares shall be subscribed, when the books shall be closed; but, if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper; and when the subscription shall amount to one hundred and twenty shares as aforesaid the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books in his own name or in the name of any other person shall, at the time of subscribing pay to the attending commissioner or commissioners two dollars on every share so subscribed, out of which money shall be defrayed the expenses attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers thereof chosen as is hereinafter directed: *And provided also*, That the county shall at any time hereafter have the right of buying out the company by reimbursing to the stockholders such money as together with the interest they may have expended in the erection and completion of the said bridge.

Notice of the opening of books.

Proviso.

2d proviso.

When 100 shares subscribed, com's to certify to Governor.

Style of corporation.

Capacities & privileges.

SECTION 2. When one hundred shares of the said stock shall have been subscribed, the said commissioners or a majority of them shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the Governor, and thereupon it shall and may be lawful for the Governor by letters patent under his hand and the seal of the State to create and erect the subscribers, and if the said subscription be not full at the time, then also, those who subscribe to the number aforesaid, into one body politic and corporate, in deed and law, by the name, style and title of "the president, managers and company of the Schuylkill bridge at or near John Althouse's," and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time by new subscriptions in such manner and form as they shall think proper, if such enlargement be thought necessary, to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying in fee simple or any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a body politic or corporate may lawfully do.

Election of officers.

SECTION 3. The three persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice, in two or more of the public newspapers in the county of Berks, of a time and place, by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully chosen, as is hereinafter directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this Commonwealth, as shall be found necessary for the well ordering of the affairs of the said company, and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.

Make by-laws

SECTION 4. A public meeting of the stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever num-

Meetings to be held ann'y.

Proviso.

ber of shares he may be entitled to, and that every person shall be entitled to one vote under ten.

SECTION 5. The president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer and sealed with the seal of the corporation, and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer, in part, for the sum due thereon, five dollars on each share, which certificate shall be transferable, either by the owner, in person, or by his attorney, duly authorized, in the presence of the president or of the treasurer for the time being, subject, however, to the payments due or growing due thereon, and the person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges and liable to the same responsibilities to the company.

Stockholder entitled to certificate for each share by paying \$5 on each share.

SECTION 6. The said president and managers shall meet at such times and places, and be convened in such manner as shall be prescribed by the by-laws, at which meeting five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection or construction of the same or any part thereof: they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares: draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work, or materials, or on account of contracts, which orders shall be signed by the president, or, in his absence, by a majority of the quorum, and countersigned by the clerk, and do and transact all matters and things, as by this act or the by-laws of the company shall be committed to them.

President and managers to meet as prescribed by by-laws.

Appoint officers.

Fix their salaries & wages.

SECTION 7. If any stockholder, after thirty days notice, given in any two or more newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment; and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or the president and

Penalty on non-payment of stock.

managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

**Extension of
shares.**

SECTION 8. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended, under the direction of such meeting, so far as may be necessary to complete said bridge; which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Receive toll.

SECTION 9. When a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and their assigns forever; and the said company and assigns are hereby empowered to erect gates, and demand and receive toll, not exceeding the following rates, to wit: For every score of sheep, five cents; for every score of hogs, eight cents; for every score of cattle, fifteen cents, and so for a greater or less number; for every horse or mule, two cents; for every horse and rider, five cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for either of the aforesaid carriages with four horses, twenty cents; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every stage wagon, with two horses, ten cents; for every such wagon drawn by four horses, twenty cents; for every sleigh, five cents; for every horse drawing, the same; for every sled, five cents; for each horse drawing, the same; for every wagon or cart, five cents; for each horse drawing, the same; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses or oxen, at all times to cross it; the said president and managers however to have the power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and to grade them according to the weight of the load and the number of horses drawing the same: *And provided also*, That no toll shall be demanded from any person attending funerals, churches or schools, or going to or returning from any militia training.

Proviso.

3d proviso.

**Penalty on
extortion or
neglect.**

SECTION 10. If the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what is herein before prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice given by a justice of the peace of the said county, they so offending, shall for every such offence forfeit and pay the sum of five dollars, to be recov-

erable as debts of the same amount are by law recoverable, one moiety thereof to go to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same, but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

SECTION 11. The said president and managers shall keep a just and true account of all the monies received as toll, for crossing the said bridge or otherwise, and shall make and declare a dividend of the profits and incomes, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. on the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and rebuilding said bridge, in case of decay or injury, and the same to invest on such security or in such stock as they shall deem safe and productive, and the interests arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

President and managers to keep fair and just acc'ts of moneys rec'd

Publish dividends.

Provided.

SECTION 12. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors and watchman or men of said bridge, to take and subscribe an oath or affirmation, before a justice of the peace of the said county, that he or they will faithfully conduct him or themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently to attend to the discharge of his or their duty, by watching with vigilance over the interests of the company and safety of the bridge, and generally to execute with care and fidelity whatever lawful engagements he or they may enter into with the president and managers of said bridge.

Oath or affirmation to be taken for faithful performance.

SECTION 13. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll-house, gates, bars, or any other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll, affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall, each of them, forfeit and pay, for each and every such offence, to said corporation, the sum of ten dollars, to be recovered before any justice of the peace, as debts of a like amount are recover-

Penalty may be enforced against persons doing wilful injury.

able, and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner, whatever, over said bridge, except in a lantern, or in some vessel secured so that the possibility of setting fire to said bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fire-works, or who shall discharge any pistol, gun or other fire-arms on or near said bridge, so that the said bridge might, by possibility, be fired or injured thereby, he or she, so offending, shall forfeit and pay to the said corporation, the sum of five dollars for every such offence, to be recovered as aforesaid, but no suit shall be brought, for any of the aforesaid offences, unless commenced within thirty days after such offence shall have been committed, and he or they, so offending, shall remain liable to actions, at the suit of the said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That the said bridge shall not be erected at any place so as to do any damage or injury, or in any manner to obstruct the Schuylkill Navigation Company in their works, or the passage of canal boats navigating the same.

Proviso.

Time of commencing, finishing, &c.

Proviso.

SECTION 14. If the said company shall not proceed to carry on the said work, within two years after they shall have been incorporated, or shall not within the space of three years thereafter complete the said bridge, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of January, publish, in one or more newspapers in the county of Berks, a full account of the cost of building and repairing said bridge, and the amount of tolls received.

WM. PATTERSON,

Speaker of the House of Representatives.

JACOB KERN,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini, eighteen hundred and thirty-four.

GEO: WOLF.